

Child Labor in Cottonseed Production: Investigation and Advocacy



Group of trafficked children rescued by the mobile team of the Union on night of 24-25 July

The group had to be released back as the Gujarat police refused to take action

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International Labor Rights Forum sanctioned a grant in fall 2011 to Prayas Centre for Labor Research and Action to (i) investigate incidence of child labor in cottonseed production and cotton ginning in Gujarat (ii) undertake advocacy with state, civil society, and business against the persistence of child labor in these two sectors. Thus is the project end report that documents the efforts made in the cottonseed sector. The part one that dealt with the cotton ginning sector has already been submitted to ILRF.

Backdrop: Past Status and Efforts Made by Prayas

Much water has flown under the Sabarmati since the issue of trafficking of tribal children from South Rajasthan to cottonseed plots in Gujarat came up for the first time in 2006. The trafficking had been going on for at least two decades but the issue flared up in 2006 primarily because of the efforts of the Dakshini Rajasthan Majdoor Union, a workers' union promoted by Prayas. The Union adopted a multi pronged strategy. The chief elements of which are listed below

- Organising the work force around the issue of higher wages, improvement in work conditions
- Enlisting the labor suppliers, the mates, in the labor union as an entry strategy and also as key stakeholders
- Establishing check posts and stopping the vehicles carrying children
- Public campaign around the issue of child labor, unsafe work conditions, sexual harassment of female workers in local and national media
- Policy advocacy with the state on issue of trafficking of children – memorandum, public hearings

The major developments since then have been

1. Issue of state protocol recognizing the movement of children as trafficking and constituting District Level Task Forces to combat it
2. DRMU was attacked by a mixed group of vested interests that included taxi operators who are also the largest suppliers, local political factions from both source and destination areas, and parts of state machinery
3. It has become very difficult to arrive at estimates of children being trafficked as producers in destination areas impose a blockade on entry of outsiders while parents deny they are sending their children
4. Shift of some cottonseed production to tribal areas – reducing child trafficking but continuing with child labor

5. Beginning of large projects / schemes both by the state organs and the civil society to combat trafficking – SSA, TAD amongst state actors and UNICEF, STC, CCF amongst civil society

The plan under the ILRF project was to (i) Undertake survey of seed farms to generate field data (ii) Undertake house hold surveys in source areas to monitor the number of children going for work (iii) Launch a new campaign on child labor in seed plots. The report is organized into three sections. The first section gives details of the anti trafficking campaign undertaken during the season. The second section gives report of the household survey carried out. The last section looks at future scenario.

Section 1

Anti Child Trafficking Campaign 2012

The trafficking normally starts in the month of July, even though the work begins only in first week of August. However this year indications were that trafficking began earlier, in the month of June itself. The reason for trafficking children earlier than required is that there is a shortage of labor. So the employers and labor contractors try to collect children sooner than others. Further, the opportunity cost of idle labor in fields is low. The children have only to be given food. Their wage starts counting only after beginning work.

The Union organized a one day workshop of its Executive and members on 5th July. Contours of the anti child trafficking campaign were decided in this meeting. It was decided to operate a mobile team manned by Union staff in Rajasthan and also in Gujarat. Often it becomes difficult to stop vehicles within Rajasthan. It was decided to send a team to Gujarat where the vehicles can be tracked more easily. In addition to the mobile team, two smaller motor cycle borne teams were operationalised in two hot spots.

Advocacy with National Commission for Protection of Child Rights (NCPCR): The national commission has played a stellar role in highlighting the child trafficking to cottonseed plots of Gujarat. A team from the Commission visited Gujarat in October 2011. PCLRA/ DRMU actively facilitated the visit. However this visit did not end very well as the State Government adopted a very antagonistic attitude towards the Commission and in fact issued a press statement justifying child labor in cottonseed plots (Annexure). Subsequently the Commission announced a Public Hearing on 28th January 2012. DRMU filed two cases of child labor in cottonseed plots. Both were listed by the Commission and summons issued to Government officers to appear before the Commission. However owing to the pressure exerted by the State Government, even this hearing was postponed.

Support to check posts: One of the steps taken by the Union in the very first year was setting up of check posts on the interstate border. Subsequently the check posts are set up by the Government. The state officials requested the Union to send representative to the check posts set up by the Government.

Mobile team for anti trafficking work: The mobile team was operational from 11th to 26th July. There was an incident on 14th July when the team got detained at Gujarat because of a misunderstanding with the local police. Subsequently special permission was taken from the Gujarat police to conduct vigilance operation. The team went on a vigilance trip on the night of 24-25 July in Gujarat. It came across a large number of vehicles trafficking children. One vehicle was detained. The team has done photography and videography. However the local police declined to register a case. Subsequently the vehicle was released. The photographs and the list of children the team intercepted are given below

1. Sohan S/O Amra Kharadi, 13 years, village: Reta, Bichhivada panchayat samiti, Dist. Dungarpur.
2. Rama S/O Jeshing Katara, 12 years, village: Reta, Bichhivada panchayat samiti, Dist. Dungarpur.
3. Ramesh S/O Badalal Damor, 13 years, village:Modiya, Tehsil. & Dis.,Dungarpur.
4. Jitu S/O Jeshing Katara, 13 Years, village: Reta, Bichhivada panchayat samiti, Dist. Dungarpur.
5. Anil s/o Teja @ Devla Baranda, 14 year, Vil.: Utiya, Tehsil. & Dis.,Dungarpur.
6. Kamla D/o Ramesh @ Deva Kharadi, 14 years, Utiya, Tehsil. & Dis.,Dungarpur.

Met name : Hakma s/o Ratna Damor, Owner Name (Employer) : Damra s/o Padmabhai Patel, vill.:Jasali, Block : Diyodar, Dist. Banaskantha, Vehical no. RJ-12 UA-0564



Child workers intercepted while travelling to cottonseed plots

Information to Anti Human Trafficking team of state police: The Rajasthan Police Department has set up an anti human trafficking task force. The Union receives information about trafficking of children from a number of sources. The task force and the local police was given information about the movement of vehicles full of children 16 times during this period.

Memorandum to the State Government: Union representatives gave a series of memorandum to the state authorities. On 5th July, the Union representatives met the Inspector General of Police and the District Magistrate of Udaipur. A copy of the memorandum submitted is attached as Exhibit 5. The memorandum sought stricter police action. In the human trafficking cases the police are not (i) registering cases under stricter provisions of Indian Penal Code (ii) implicating employers. The memorandum sought registration of cases under stricter sections and inclusion of employer also. A Union team again met the Additional Director General of Police on 13th August and submitted a memorandum on similar lines again. In addition, list of children who have been trafficked was also submitted. The ADG has promised to conduct a raid in the destination areas. A memorandum was also sent to the member National Commission for Protection of Child Rights attached as Exhibit 6.

Media Campaign: Campaign in media is an integral component of Union strategy as public opinion plays a major role. This year too, Union was instrumental in getting a number of stories printed in local and English media. One such story that related to inaction of the Gujarat Government is attached as Exhibit 7.

Listing of children who have been trafficked: In spite of the campaign, a large number of children have been trafficked. The practice has gone underground. Nobody associated with the phenomenon – parents, labor recruiters, transporters, employers, labor department – are willing to admit to it. The incidence of trafficking always remains a bone of contention in absence of hard data. Therefore even when tens of thousands of children have been trafficked, it is difficult to prove it. As stated before, it is almost impossible to enter into production areas. One method devised has been to undertake baseline mapping in select clusters in source areas. This reveals the number of children who have gone out. In the current season, the project undertook mapping in ten clusters. It generated a list of 104 children who have been trafficked this season. This list was submitted to the Government for follow up action.

Sit In Against Child Trafficking: Dakshini Rajasthan Majdoor Union organized a dharna against continuing child trafficking in cottonseed plots of Gujrat on 28th August 2012 in front of Collectorate, Udaipur. Every year tens of thousands of tribal children are trafficked from South Rajasthan to cottonseed plots of North Gujarat. The State Government of Rajasthan promulgated a protocol in the year 2007 to check this movement. However the trafficking has continued. This

year too tens of thousands of children have been already trafficked. On 19th August, a jeep carrying child workers fell into a ditch in Gujarat killing one child and injuring many others. A number of cases related to trafficking have been filed in various police stations.

The sit in was attended by 80 Union members drawn from the tehsils of Jhadol, Rishabdeo, Sarada, Girwa, and Kherwara. The Union submitted a list of 104 children from 10 villages who are currently working in Gujarat as an evidence of its claim that tens of thousands children have been trafficked. The list is a sample only. The group of child workers who met an accident recently was presented before the District Collector and the media. The Union submitted a memorandum to the Chief Minister Rajasthan through District Magistrate demanding

1. Increase in wage days under MGNREGA to 200 days from the present 100 days
2. Inclusion of all tribal inhabitants of Tribal Sub Plan areas under BPL category
3. Inclusion of names of employers in trafficking cases filed by police, as currently only the labor contractor is being implicated
4. Registration of cases under all sections provided for under state protocol, as currently the cases are filed under bailable sections only
5. Rescue of all children who are currently working in Gujarat and their rehabilitation in schools

The collector ordered a verification of list given by the Union and promised action for the release of children. He also assured the Union delegation that the workers who met an accident recently will be assisted under the Chief Minister Relief Fund to the tune of Rs. 5000 for injured and Rs. 20,000 for dead.



Dharna in front of collectorate, Udaipur 28.8.12

Visit to production areas in Gujarat: Three distinct attempts were made to visit production areas in Gujarat during the season. However as expected, it was very difficult to get footage of children working.

A two member team of the DRMU visited production areas in Gujarat on 19-20 August to assess the situation and document child workers on cottonseed plots. As expected the producers made it very difficult to visit the plots. The team was able to visit couple of plots but it could not gather photographic evidence. It has now asked a local sympathizer to gather some evidence.

One Union activist visited the field areas in Idar taluka for three days in September end. He was able to visit farms posing as a relative of the workers and observed children working. However he could not get footage as the workers were very careful not to be filmed.

Table 1: Field visit to production areas in Gujarat

<i>Date</i>	<i>Farm owner</i>	<i>Address</i>	<i>No. of workers</i>	<i>Children</i>	<i>Address</i>	<i>Name</i>
28.9.12	Basant Patel	Sabalbada, Idar	12	2	Vill. Bhesana Jhadol, Udaipur	Ramesh Kalu Dabhi 12 years Jeeva Thavara Dabhi 16 years
29.9.12	Chandu Patel	Kamalpur	7	-		
30.9.12	Pankaj Patel	Darmali	17	3		
	”	”	13	1		
	TOTAL		49	6		

As can be seen from table above, 12 percent of the workforce comprised of children below 18 years.



Ramesh Kalu Dabhi working at the field of Basant Patel 28.9.12

Survey at tribal farms in South Rajasthan and North Gujarat: In yet another attempt, the project fielded a team to undertake survey of tribal farms in the month of October. This survey has been done and children have been observed working on these farms. The results of this survey are still being compiled.

Children being trafficked meet accident: During the team visit on 20th August early morning, a Bolero jeep no. RJ 27T 1990 fell into a ditch in Patan district of Gujarat. The jeep was full of child workers who were going to work in cottonseed plot of Hema bhai Patel of village Gangol in Sihori taluka of District Banaskantha. The employer hired two mates Shankar Lal and Harish to recruit and bring workers to his seed plot. A group of 13 workers is already working on the plot. The additional workers were required as the work intensity was increasing because of greater flowering. The workers were given an advance of Rs. 150 and asked to commit 25 days to work on the plot.

The workers in the jeep included

1. Sohan s/o Mangi Lal Khair age 12 years
2. Prakash s/o Nathu ji Gorana age 22 years
3. Vaktu bai w/o Prakash age 20 years
4. Lakshman s/o Natu ji Gorana age 15 years
5. Devli bai w/o Pappu bhai Vadera age 22 years
6. Sohan s/o Chhagan Vadera age 12 years

7. Prakash s/o Amba Lal Gameti age 12 years
8. Sumeeta d/o Prema 12 years
9. Manju d/o Naga Vadera age 13 years
10. Harish s/o Vada Ram Gorana age 13 years

Thus the group comprised of 10 workers of whom six were children below 14 years, one adolescent 15 years old, and three adults above 18 years. There were six male and four female workers. This is a typical composition of cottonseed worker groups.

The jeep fell into a ditch almost 50 feet below. Sohan s/o Mangi Lal Khair died on spot. Two adult women workers Devli bai and Vakti bai received serious head injuries and were referred to Ahmedabad. Laxman had his leg fractured. Sumeeta also received injury on her cheek.

The workers were sent back to the village. The Gujarat police has registered a case for negligent driving. Rajasthan police have filed a case for trafficking of children naming the mate Harish who recruited the children. The owner has not been named in either FIR. The police say that they do not know about the owner. This is surprising. As reported, there is already a group of workers from the same are working on the plots. One of these workers was sent back by the owner to the village with an amount of Rs. 1000 for the victims.



Child workers injured when the jeep they were travelling fell into a ditch in Gujarat

Section 2

Incidence of child trafficking from South Rajasthan –

Findings of a household survey

As it is difficult to visit production areas, the Union conducts household surveys in source areas to establish the incidence of trafficking. Such surveys are conducted both during the trafficking season and also during the off season when children are back in their villages. The findings of the survey conducted during the trafficking season have been presented in the previous section as this formed part of the advocacy campaign to put pressure on the state to act. This section presents findings of the household survey conducted during the off season in the months of January – February 2012. The survey was conducted in sample locations spread over the two main districts.

The survey covered 3414 households spread over 18 panchayats of two districts. These two districts are the main source area for cottonseed child workers and send roughly same number of children. The survey however covered more households in Udaipur districts as the Union has better presence in Udaipur district. The break up of households covered in the survey is given in table below

Table 2: Geographical break up of households surveyed

<i>S.no.</i>	<i>Panchayat Samiti</i>	<i>Panchyat</i>	<i>No. of panchayats</i>	<i>No. of hhs</i>
1	Jhadol (Phalasiya)	Aamliya, Sada Panrva, Nevaj, Dharawan, Amod, Aamiwara, Bichhiwara	8	1834
2	Kherwara	Dhikwas, Kanpur	2	550
4	Sarada	Kharber A, Kharber B, Balua	3	483
5	Dungarpur	Vallota, Kahari, Aantri, Lolakpur, Doja	5	547
Total			18	3414

Demographics of sample surveyed: Of the total households, 3014 reported children in the 6-18 age group. A total of 7475 children were reported. Thus average number of children in this age group was 2.2 per household. Of the total children enumerated, 3366 were girls. The sex ratio amongst the surveyed children was 819. This is very low and calls for more investigation. While national statistics report lower sex ration amongst children, the tribal communities overall have a good sex ratio.

Schooling: The enrolment in schools and quality of education has a direct bearing upon incidence of child labor. Good schooling should reduce the incidence of child labor and vice

versa. The school going status of children was inquired into. The results are given in the Table below. Overall, more than two third of the children were reported enrolled in schools. There was a significant difference between enrolment in 6-14 age group and 15-18 age group. The enrolment dropped sharply after 14 years – from 75 percent to 45 percent.

Table 3: Enrolment rates of children

<i>Sl</i>	<i>Age group</i>	<i>Enrolment rate in %age</i>
1	6-18 years	68
2	6-14 years	75
3	15-18 years	45

There is not much difference between the male and female enrolment rates. The male enrolment rate at 69 percent is only marginally higher than female enrolment rate that stands at 66.5 percent.

Incidence of child labor

A total of 776 children in the age group 6-18 years were reported to have gone for cottonseed pollination last year that is year 2011. Of these, 442 were children in 6-14 age group and 334 in 15-18 age group. The table below gives incidence of child labor amongst children. It shows that overall 10.4 percent children go for cottonseed pollination work. The proportion is 7.2 percent in 6-14 age group but goes up to 21.5 percent in 15-18 age group. This is also consistent with school enrolment trends shown in preceding table.

Table 4: Incidence of child labor in South Rajasthan

<i>Age group</i>	<i>Incidence</i>
Incidence	10.4
6-14 years	7.2
15-18 years	21.5

Amongst the trafficked children, 54 percent were male and 46 percent female. There is some difference between incidence of trafficking between male and female. Incidence of trafficking at 11.1 percent is higher amongst females compared to males at 9.8 percent, but only marginally so.

Total number of children trafficked

It is possible to estimate the total number of children trafficked using the findings of the sample survey. If it is assumed that there are 50,000 tribal households in a typical panchayat samiti susceptible to trafficking, then the number of trafficked children will be $(50,000 \times 2.2 \times .104)$ i.e. 11440. There are at least seven panchayat samitis with high incidence of trafficking in two

districts. These are Kotda, Jhadol, Kherwara, Sarada in Udaipur and Simalwara, Bichhiwara, and Dungarpur in Dungarpur. Children are trafficked from a number of other panchayat samitis also like Sagwara in Dungarpur, Girwa, Rishabdeo in Udaipur, Garhi, Anandpuri, Ghatol in Pratapgarh. This year there was news of trafficking from new areas like Dhariawad in Pratapgarh. Thus the total number of children trafficked could be around 100,000.

Children in households without both or one of the two parents

A new hypothesis that the survey attempted to establish was whether there is a high incidence of children without one or both parents amongst the trafficked children. During meetings in villages, one came across a number of such children who had lost one or both parents. In addition there were also a substantial number of households where the mother left the household for remarriage, either leaving behind or carrying with her children from previous marriage. In either case, the child has high chances of facing neglect – either in the new home or in the previous home, with or without a foster mother.

Overall there were 416 children out of the total of 7475 children who did not have either one or both parents. Amongst these children, 56 reported going for cottonseed work. This represents 13.4 percent of the target category. This is 3 percent higher than the overall incidence. So it does seem that children without one or two parents have a higher probability of being trafficked. But there is need for further investigation into this aspect.

One off shoot of this investigation was linkage with the Government scheme *palanhar*. This scheme has been promulgated by the state government for orphan children. If only father is missing, then only one of the children will get benefit. A list of eligible children was prepared and cross checked with the list of children accessing benefits under the scheme. It emerged that only 10 percent of the eligible children are accessing benefits. Subsequently, the list was shared with the District Administration that has promised to enroll all potential beneficiaries.

Limitations

The number of children going for cottonseed work could be an underestimate as parents are reluctant to admit the fact that they have sent out children for work. After the survey was completed, one of the investigators reported that the parents are asking if they can report their children having gone for work. This was after they came to know that the families of identified children might be given some benefits.

Section 3

Future Scenario

It is clear from the above reportage that while a legal and administrative structure has been put in place to check trafficking, the movement of children continues in significant numbers. Further it is becoming difficult to track it.

A significant impact of the anti trafficking campaign has been spread of cottonseed plantations to tribal belt. This has reduced child migration but continued child labor and in fact hidden it. Children instead of migrating, find work closer at home. In a way, this is classical response of capital. Shift from hotspots to newer areas.

The current stalemate in a way shows the limits of the regulation/ enforcement approach to problems that are embedded in the socio economic conditions. The state has not announced any significant measures that will impact the socio economic conditions. There is therefore urgent need to take the campaign to the next level forcing the state to respond in more meaningful ways.

The civil society campaign has not been able to exert meaningful pressure on seed companies to take steps at industry level.

The future research and action areas for Prayas are

Study

1. Study the impact of ingress of cottonseed production to tribal area

Action

1. Continue the current level of activities
2. Engage the state to respond to announce policy measures that will enhance food security
3. Undertake advocacy with the seed companies to force them to take effective steps, explore more linkages with global movement in child labor in cotton

Annexure

THE TIMES OF INDIA, AHMEDABAD
TUESDAY, OCTOBER 11, 2011

Child labour in Bt cotton fields legit: Govt

Rajiv Shah | TNN

Gandhinagar: Defending child labour in Bt cotton fields of north Gujarat, the state government on Monday told National Commission for the Protection of Child Rights (NCPCR) team that there is "no point in discussing child labour in Bt cotton fields, as it is not prohibited by law". The high-level team was told not to "rake it up unnecessarily".

In their support, government officials quoted from the Child Labour (Prohibition and Regulation) Act, 1986, which allows it in agriculture, with the condition that one cannot make them work for too long and they must be paid the minimum wage. Gujarat chief secretary A K Joti insisted, there be "no confusion" regarding the issue, as highlighted by certain NGOs.

In Gandhinagar, state officials met NCPCR team leaders Yogesh Dubey, Lov Verma and Ramanath Nayak, after their four-day visit to Guja-

rat's Bt cotton fields. Apart from Joti, they met principal secretary of labour P Panneervel, primary education secretary R P Singh, and social justice secretary Sunaina Tomar.

After the meeting, a senior official told TOI that the central team was quoting huge numbers - about 1 lakh child labourers in north Gujarat Bt cotton fields. "They gave us instances of just three. Even they were found working on the fields owned by their parents. This is just ridiculous," the official said, adding, "When we questioned NCPCR team about it, they were defensive. They argued it was already off-season, hence they couldn't find many child workers."

When contacted, senior consultant with NCPCR Ramanath Nayak told TOI that the body is campaigning for eradication of child labour in any form, as it affects the child's education. "The three instances of child labour we found were all of a local village and not of Rajasthan. We took their photographs too."

Child killed, eight injured as jeep falls off bridge near Patan

Pramod Panwar | TNN

Palanpur: A nine-year-old child was killed and eight others were injured when the jeep carrying them plunged into a road side rivulet near Charup village of Patan on Monday morning. The children being transported in the vehicle were child labourers.

Four of the injured are serious and have been transported to Ahmedabad while the rest have been admitted to Dharpur Medical College. The deceased has been identified as Mangilal Chauhan.

The children were being taken to Sihori in Kankrej taluka of Banaskantha from Jadol village of Udaipur in Rajasthan. Sources said that the jeep fell into the rivulet after breaking the iron rods that had been put along the road as a



The jeep that fell down from the bridge

crash barrier.

"We were hired by an Udaipur-based contractor to work at a cotton farm,"

Dharmendra Trivedi

said Viktuben (11) who is being treated at Dharpur near Patan. Police said the children are unable to confirm the identity of the contractor.

"I have been coming to Gujarat since I was a little boy to work at cotton farms. The contract was agreed upon by my parents and the contractor," said Sohan Chhagan (12) while adding that the children work throughout the day at cotton farms with only a small break for lunch.

Police said that efforts are on to nab the contractor who allegedly hired the children to work on BT cotton farms.

District collector J G Hingrajiya has ordered a probe in the matter by labour commissioner G L Patel. "Once these children recover we will send them back home. I will contact the Udaipur collector and request him to ensure their proper rehabilitation," he said.